

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12495 of 2019

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Mahendra Sahni S/o Muneshwar sahni Resident of Village-Bishanpur, P.S.
Benipatti District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal secretary department of Land reform Govt. Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Deputy District Magistrate Cum Land Reforms, Madhubani.
4. The Circle officer, Benipatti at Madhubani
5. Bhanu Singh Son of Bilat Singh Resident of Village- Bishanpur, P.S.- Benipatti, District-Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Respondent/s : Mr.Rihi Raj Sinha (SC-19)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 25-06-2019 Though this application has been listed under the heading “For office notes”, the case has been heard on merits and is being disposed of by the present order.

2. Heard learned counsel for the parties.

3. The petitioner is aggrieved by an order dated 13.06.2015 passed by the Deputy Collector Land Reforms, Benipatti, Madhubani in Bihar Land Dispute Resolution Case No. 260 of 2014 under Bihar Land Dispute Resolution Act, 2009 (hereinafter referred to as ‘the Act’). There are two reasons why I am not inclined to entertain this application. The petitioner had statutory remedy under Section 14 of the Act by



filing appeal within the prescribed period, which he has not done and secondly, he has approached this Court nearly four years after passing of the impugned order.

4. Learned counsel appearing on behalf of the petitioner has argued that it was mainly because of the incapacity of the petitioner of his understanding as also his financial incapacity that he could not approach correct forum after the impugned order dated 13.06.2015 was passed. He contends that this Court may take a sympathetic view of the matter.

5. Since the petitioner has alternative statutory remedy of appeal, I do not feel inclined to entertain this writ application filed four years after passing of the order.

6. It is, however, observed that the petitioner shall be at liberty to prefer appeal before the Commissioner against the impugned order and apply for condonation of delay for which there is provision under the Act.

7. It is, further, observed that if the petitioner files his appeal within thirty days from today before the Divisional Commissioner, with an application for condonation of delay, giving reasons for not filing the appeal within time, the Commissioner shall consider the same, taking a liberal view of



the matter on the point of delay and pass appropriate orders, in
accordance with law.

8. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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